

REMARKS

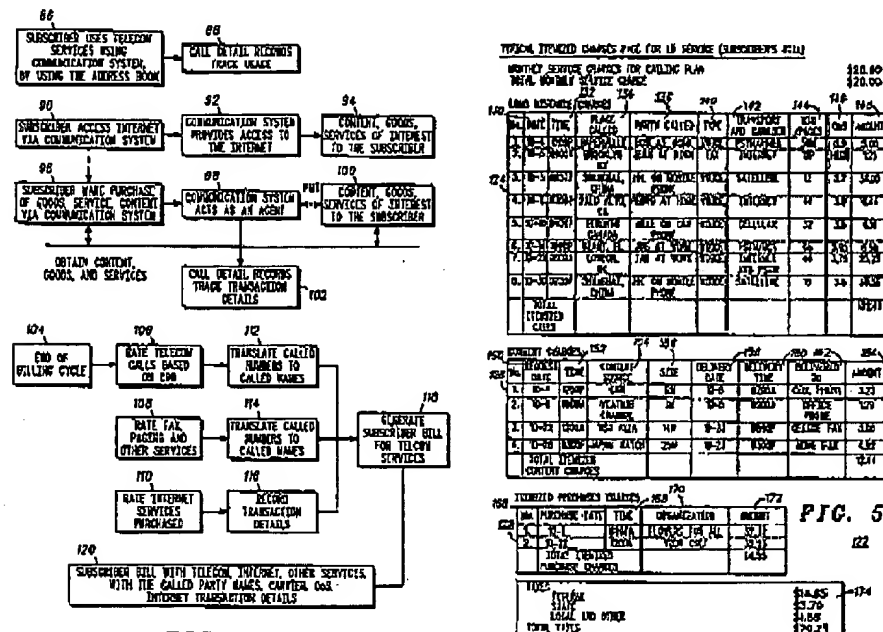
The Examiner has revised the current rejection in light of new prior art and a reformulated rejection. As set forth below, such new rejection is still deficient. However, despite such deficiencies and in the spirit of expediting the prosecution of the present application, applicant has incorporated the subject matter of multiple dependent claims into each of the independent claims. Since the subject matter of such dependent claims was already considered by the Examiner, it is asserted that such claim amendments would not require new search and/or consideration.

It is further noted that the applications cited in the information disclosure statement mailed 07/25/01 were not necessarily considered. Submitted herewith is yet another copy of such information disclosure statement, so that such references may be considered, and such consideration may be documented in the record. See MPEP 609D below:

"Applicants may wish to list U.S. patent application numbers on other than a form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

The Examiner has rejected Claims 1-5, 10-14, 19, and 30-36 under 35 U.S.C. 103(a) as being unpatentable over Wallenius (USPN 6,760,417) in view of Albal (USPN 6,668,046). Applicant respectfully disagrees with this rejection.

In the latest action, the Examiner has relied on the following excerpt from Albal to make a prior art showing of applicant's claimed "wherein the customer is charged for the customer communication by mapping the Internet Protocol content usage information to the call description record information to generate mapped information that is filtered, enhanced, and aggregated prior to being delivered to a billing module."



To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991). Appellants respectfully assert that at least the first and third elements of the *prima facie* case of obviousness have not been met.

Appellant thus respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the Examiner's proposed combination does not disclose, teach or suggest appellant's claim language, as set forth hereinabove.

Nevertheless, despite these paramount differences and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the following subject matter, which previously existed, at least in part, in already-considered Claims 31-32:

"wherein the mapping includes collecting source and destination Internet Protocol addresses, application information, an amount of sent and received data, and start timestamps;

wherein the mapping includes storing a table that is used to associate dynamic IP flow with wireless identity information."

With respect to former re-numbered Claim 31 (now at least partially incorporated into each of the independent claims), the Examiner relies on the following excerpt from Albal, and argues that "Albal teaches the mapping includes collecting source and destination Internet Protocol address, application information, an amount of sent and received data, start ... timestamps."

[illegible]

"Moreover, the subscriber can select the transport system that provides the desired Quality of Service (QoS). Since the communication node 56 selects the transport system and the carrier based on instructions from the subscriber, this information (transport, carrier, QoS) may also be documented on the bill for each call. This documentation confirms to the subscriber (or corporate client) that the communication node 56 is using the specified transport and carrier. This documentation also notifies the subscriber when billing adjustments are made to the subscriber's bill and in the Carrier Revenue Assurance process." (see col. 6, line 56-62)

After carefully reviewing such excerpts and the remaining reference, however, there is simply no disclosure, in the relevant content charges section 126, of any sort of source and destination Internet Protocol addresses, an amount of sent ... data, and start timestamps, as claimed. Such specific information provides for enhanced billing for IP content usage, and is simply non-existent in the prior art, in the context claimed.

Yet again, a notice of allowance or a specific prior art showing of each of the foregoing limitations, along with the remaining claim elements, is respectfully requested.

To this end, each of the independent claims is hereby deemed allowable along with any claims depending therefrom. Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. XACTP004).

Respectfully submitted,

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100